

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

COURT FILE NO. _____

ANDREA WRIGHT,

Plaintiff,

vs.

NORTHSTAR LOCATION
SERVICES, LLC,

Defendant.

COMPLAINT

JURY TRIAL DEMANDED

JURISDICTION

1. This action against defendant, NORTHSTAR LOCATION SERVICES, LLC, (Hereinafter “Northstar”), arises from Northstar’s violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq, the Telephone Consumer Protection Act of 1991, 47 U.S.C. § 227, and the Georgia Fair Business Practices Act of 1975, O.C.G.A. § 10-1-390 et seq.

2. Jurisdiction in this Court arises under 15 U.S.C. § 1692k(d) “FDCPA Jurisdiction”, and 28 U.S.C. § 1331, “Federal Question”. This Court has supplemental jurisdiction over the remaining claims pursuant to 28 U.S.C. § 1367.

3. Venue is proper in this district because the defendant transacts business here and the conduct complained of occurred here.

PARTIES

4. Plaintiff is a natural person residing in the State of Georgia. At all times material hereto plaintiff was a “consumer” as that term is defined by 15 U.S.C. § 1692a(3) and O.C.G.A. § 10-1-392(6).

5. Defendant Northstar is a New York corporation authorized to conduct business in the State of Georgia, but which does not maintain a place of business or keep assets within the Georgia. Northstar may be served with process through its Registered Agent, CT Corporation, 1201 Peachtree St., NE, Atlanta, GA 30361. At all times material hereto, Northstar was acting as a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

6. At all times material hereto, Northstar, through its employees, agents, or contractors, was attempting to collect a past due amount allegedly owed by plaintiff on a Barclay’s Bank credit card. The amount was incurred primarily for personal, family or household purposes and is a “debt” as that term is defined by 15 U.S.C. § 1692a(5).

FACTUAL ALLEGATIONS

7. On or about May 18, 2010, at 1:25 PM, Northstar called a cellular telephone number belonging to a person other than the consumer and left the following message:

“This message is for Andrea Wright. This is Michael Schrader calling with Northstar Locations pre-legal division, calling on behalf of my client today. Um, Andrea, it’s very important that you contact my office immediately. My client is preparing to file legal action against you to obtain restitution, and uh, you or your attorney can reach me here directly at 866-610-2726. Thank you and good day.”

8. On or about May 18, 2010, at 1:26 PM, Northstar called a residential telephone number belonging to a person other than the consumer and left the following message:

“This message is for Andrea Wright. This is Michael Schrader calling with Northstar Locations pre-legal division calling on behalf of my client. At this time they’ve in... Instructed me to inform you, uh, they are prepared to file legal action against you to obtain restitution. Now, you or your attorney need to contact me to discuss what options are available to you at this time. You can reach me at 866-610-2726. Thank you and good day.”

9. On or about May 18, 2010, at 1:28 PM, Northstar called a residential telephone number belonging to persons other than the consumer and left the following message:

“Good afternoon, this message is for Andrea Wright. This is Michael Schrader calling with Northstar Locations pre-legal division calling on behalf of my client. Andrea, it’s very important that you contact my office immediately. My client has instructed me to inform you they are prepared to file legal action against you, uh, to obtain restitution. Your or your attorney need to contact me immediately to discuss what options are available. 866-610-2726.”

10. On or about May 24, 2010, at 1:46 PM, Northstar called a cellular telephone number belonging to a person other than the consumer and left the following message:

“This message is for Andrea Wright. This is Michael Schrader calling with Northstar Locations pre-legal division. Uh, Andrea, you need to contact my office immediately, my client has instructed me to inform you they are prepared to file legal action against you to obtain restitution. You can reach me here directly at 866-610-2726. Thank you and good day.”

11. On or about May 24, 2010, at 1:49 PM, Northstar called a residential telephone number belonging to persons other than the consumer and left the following message:

“This message is for Andrea Wright. This is Michael Schrader calling with Northstar Locations pre-legal division calling on behalf of my client. At this time, Andrea, you or your attorney need to contact my office immediately to discuss what options are available to you. You can reach me directly at 866-610-2726. Thank you and good day.”

12. On or about May 26, 2010, at 12:44 PM, Northstar used an automatic telephone dialing system to call a cellular telephone number belonging to persons other than the consumer and left the following recorded message:

“This is a message for Andrea Wright. If you are Andrea Wright please continue to listen to this message, otherwise, please press delete now..... you should not listen to this message so that other people can hear as this message contains personal and private information intended solely for you. By listening to this message you acknowledge that you are Andrea Wright. Contact Maggie Law at Northstar Location Services toll free at 1-866-856-9607, to discuss an important business matter. We are a debt collector. This is an attempt to collect a debt and any information obtained will be used for

that purpose. This is not a solicitation. Your response is required. Or reach us on the web at www.gotonls.com. When returning our call please use the following reference number: 10390795.”

COUNT I

VIOLATIONS UNDER THE FAIR DEBT COLLECTION PRACTICES ACT

13. Plaintiff repeats, realleges, and incorporates by reference paragraphs 1 through 12 above.

14. As a result of the acts and conduct described above, Northstar violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. Such violations include, but are not limited to, the following:

- (a) With regard to the calls described in paragraphs 7, 8, 9, 10, 11, and 12, above, Northstar violated 15 U.S.C. § 1692c(b) by communicating, in connection with the collection of a debt, with a person other than the consumer or the other persons with whom communication is permitted under the statute;
- (b) With regard to the calls described in paragraphs 7, 8, 9, 10, and 11, Northstar violated 15 U.S.C. § 1692e(5) by threatening to take action that was not intended to be taken;

- (c) With regard to the call described in Paragraph 7, above, Northstar violated 15 U.S.C. § 1692e(11) by failing to state in an initial oral communication that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose;
- (d) With regard to the calls described in paragraphs 7, 8, 9, 10, and 11, Northstar violated 15 U.S.C. § 1692e(11) by failing to disclose in subsequent communications that the communication is from a debt collector;
- (e) With regard to the calls described in paragraphs 7, 8, 9, 10, and 11, Northstar violated 15 U.S.C. § 1692e(10) by using false representations or deceptive means to attempt to collect a debt.

COUNT II

VIOLATIONS UNDER THE TELEPHONE CONSUMER PROTECTION ACT OF 1991

16. Plaintiff repeats, realleges, and incorporates by reference paragraphs 1 through 12 above.

17. On or about May 26, 2010, at 12:44 PM, and as more fully described in paragraph 12, above, Northstar used an automatic telephone dialing system to call a cellular telephone number for which the caller was charged for such call, in

violation of the Telephone Consumer Protection Act of 1991, 47 U.S.C. § 227(b)(1)(A).

COUNT III

VIOLATIONS OF THE GEORGIA
FAIR BUSINESS PRACTICES ACT OF 1975

19. Plaintiff repeats, realleges, and incorporates by reference, paragraphs 1 through 18 above.

20. Each one of Northstar's acts described above was a "consumer act or practice" as that term is defined in O.C.G.A. § 10-1-392(a)(7).

21. Each one of Northstar's acts described above constitutes unfair or deceptive practices in the conduct of any trade or commerce, in violation of O.C.G.A. § 10-1-390, the "Georgia Fair Business Practices Act of 1975".

PRAYER FOR RELIEF

22. As a result of Northstar's above-described violations of the Fair Debt Collection Practices Act, the Telephone Consumer Protection Act of 1991, and the Georgia Fair Business Practices Act of 1975, Plaintiff is entitled to judgment against Northstar as follows:

- (a) Actual damages, pursuant to 15 U.S.C § 1692k(a)(1);
- (b) Statutory damages, pursuant to 15 U.S.C § 1692k(a)(2)(A);

- (c) Reasonable attorney fees and costs of litigation, pursuant to 15 U.S.C § 1692k(a)(3);
- (d) Actual damages or \$500.00 per violation, whichever is greater, pursuant to 47 U.S.C. § 227(b)(3);
- (e) Actual damages, pursuant to O.C.G.A. § 10-1-399(a);
- (f) Exemplary damages, pursuant to O.C.G.A. § 10-1-399(a);
- (g) Treble damages, pursuant to O.C.G.A. § 10-1-399(c);
- (h) Reasonable attorneys' fees and expenses of litigation, pursuant to O.C.G.A. § 10-1-399(d)

TRIAL BY JURY

Plaintiff is entitled to, and respectfully demands, a trial by jury. US Const. Amend. 7, Fed.R.Civ.P. 38.

Respectfully submitted,

Dated: July 1, 2010

SOUTHEAST CONSUMER LAW
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